

## PLANNING COMMISSION MINUTES

JULY 5, 2007

### CASE NO. 1-12-06

Request to change the name of a private road, Sunset Drive to **Sunset Circle** from its western intersection with Sunflower Avenue, running west to Greenwell Lane and to **Sunrise Vista Drive** from 4511 Sunset Drive running south to its terminus, being in Louisville Metro.

Applicant: Louisville Metro Government  
c/o Planning & Design Services  
444 South 5<sup>th</sup> Street  
Louisville, KY 40202

Council District: 1 - Judith Green  
**Staff Case Manager: Doris Heyman, Associate Planner**

Notice of this public hearing appeared in **The Courier Journal**, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Development Services offices, 900 Fiscal Court Building.)

#### **The following spoke in favor of this request:**

No one spoke.

#### **The following spoke in opposition:**

Ben Gagel, 4312 Sunset Drive, Louisville, KY 40216

#### **The following spoke neither for nor against:**

No one spoke.

#### **Agency Personnel:**

Doris Heyman, Associate Planner

#### **Agency Testimony:**

1:50:30 Doris Heyman presented the case and showed a Power Point presentation (see staff report for verbatim presentation and maps showing the site.) She said staff recommends approval to eliminate confusion and street name duplication in accordance with Chapter 6 Part 3 of the Development Code. She explained that the road Sunset Circle was dedicated in the middle section of existing Sunset Drive (private) when the subdivision Sunset Gardens was

## **PLANNING COMMISSION MINUTES**

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developed. This created two existing sections of Sunset Drive (private). The renaming will reduce confusion and duplication of street names.

### **SUMMARY OF TESTIMONY OF PROPONENTS:**

No one spoke.

### **SUMMARY OF TESTIMONY OF OPPONENTS:**

1:54:44 Ben Gagel, a Sunset Drive resident, said that the person who owned his home before him got permission to put up a large gate, to prevent people from cutting through from Sunflower to Greenwell Street. He said this was made into a private street at the same time he put the gate up. He submitted a letter from 1995 when he tried to get this street repaved; the responding letter said this was a private street and not the responsibility of Louisville Metro. He said he is confused about this name change because the status of the street itself seems to be in question. Ms. Heyman resumed the podium and explained about the "911" system used by Metro Government, and how this name change will improve emergency response ability. She said there is a barricade and a portion of the road is a private street. Mr. Gagel asked if the name change will effect the status of the road from private to public. Ms. Heyman said no. Commissioner Storm explained what the process is to make a private road, public. Mr. Gagel said the street in front of his house is a private road; why does Louisville Metro have jurisdiction over a private piece of property? Commissioner Carlson explained about public safety and some difficulties that some emergency services have finding the right address due to duplicative street names. This will help to eliminate confusion.

### **SUMMARY OF TESTIMONY OF INTERESTED PARTIES:**

No one spoke.

**An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the July 5, 2007 proceedings.**

In a business session subsequent to the public hearing on this request, the Commission took the following action.

## PLANNING COMMISSION MINUTES

JULY 5, 2007

### CASE NO. 1-12-06

On a motion by Commissioner Queenan, the following resolution was adopted:

**WHEREAS**, The Commission finds that the testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case are in conformance with all applicable guidelines of the Comprehensive Plan; and

**WHEREAS**, The Commission finds that the proposal has received preliminary approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Department of Public Works, and the Metropolitan Sewer District; and

**WHEREAS**, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

**RESOLVED**, That the Louisville and Jefferson County Planning Commission does hereby **FIND** the request to change the name of a private road, Sunset Drive, to **Sunset Circle** from its western intersection with Sunflower Avenue, running west to Greenwell Lane; and to **Sunrise Vista Drive** from 4511 Sunset Drive running south to its terminus, all being in Louisville Metro, and more particularly described in the attached legal description to be **IN ACCORDANCE** with the guidelines, principles and objectives of the Comprehensive Plan and does hereby **RECOMMEND** to the Louisville Metro Council that it be **CHANGED ON CONDITION** that all necessary easements are granted or measures are taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street renaming.

**The vote was as follows:**

**YES: Commissioners Ernst, Carlson, Storm, Wells-Hatfield, Abstain, Hamilton, and Queenan.**

**NO: No one**

**NOT PRESENT: Commissioner Fleischaker**

**ABSTAINING: Commissioners Blake and Howard.**